

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
NO. 1:23-CV-00423

TIMIA CHAPLIN; KEVIN SPRUILL;  
ROTESHA MCNEIL; QIANA  
ROBERTSON; YOUSEF JALLAL;  
MESSIEJAH BRADLEY; PAULINO  
CASTELLANOS; ROBERT LEWIS; and  
ALLEN SIFFORD, on behalf of themselves  
and all others similarly situated,

Plaintiffs,

v.

WILLIE R. ROWE, in his official capacity  
as the Sheriff of Wake County; BRIAN  
ESTES, in his official capacity as the Sheriff  
of Lee County; THE OHIO CASUALTY  
INSURANCE COMPANY, as surety for the  
Sheriff of Wake County and as surety for the  
Sheriff of Lee County; TYLER  
TECHNOLOGIES, INC.; NORTH  
CAROLINA ADMINISTRATIVE OFFICE  
OF THE COURTS; RYAN BOYCE, in his  
official capacity as the Executive Director of  
the North Carolina Administrative Office of  
the Courts; BRAD FOWLER, in his official  
capacity as the eCourts Executive Sponsor  
and Chief Business Officer of the North  
Carolina Administrative Office of the  
Courts; BLAIR WILLIAMS, in his official  
capacity as the Wake County Clerk of  
Superior Court; SUSIE K. THOMAS, in her  
official capacity as the Lee County Clerk of  
Superior Court; SUSIE K. THOMAS, in her  
official capacity as the Lee County Clerk of  
Superior Court; JOHN DOE SURETY, as  
the surety for the Wake County Clerk of  
Superior Court and the Lee County Clerk of  
Superior Court; and DOES 1 THROUGH  
20, INCLUSIVE,

Defendants.

**DEFENDANT WAKE COUNTY SHERIFF WILLIE ROWE'S  
CONSENT MOTION FOR EXTENSION OF TIME TO RESPOND  
TO FIRST AMENDED COMPLAINT**

NOW COMES the defendant, WILLIE R. ROWE, in his official capacity as the Sheriff of Wake County ("Defendant Rowe"), by and through counsel, and pursuant to Fed. R. Civ. P 6(b) and LCvR 6.1, and hereby respectfully moves the Court for an extension of time, through and including January 16, 2024, to answer the or otherwise file responsive pleadings to Plaintiffs' First Amended Complaint – Class Action ("First Amended Complaint"). The requested extension will align Defendant Rowe's response date with a number of other defendants in the case. In support of this request, Defendant Rowe shows unto the Court the following:

1. Plaintiffs filed their original complaint on May 23, 2023.
2. Defendant Rowe timely filed his Motion to Dismiss the Complaint on September 6, 2023.
3. Plaintiffs filed their First Amended Complaint on October 27, 2023. The original response date was November 13, 2023.
4. Defendant Rowe filed a Motion for Extension of Time to respond to the First Amended Complaint on November 6, 2023. Plaintiffs consented to this extension, and the Court granted Defendant Rowe's motion extending the deadline to respond to the First Amended Complaint through and including December 13, 2023.
5. The time within which Defendant Rowe must answer or otherwise respond to the First Amended Complaint has not expired.
6. Since that time, five of the six new defendants added in the First Amended Complaint have waived service, giving them a response date of January 16, 2024. [DE Nos. 39-43]. Also, Defendant Tyler Technologies filed a Motion for Extension of Time to respond to the

First Amended Complaint and the Court granted the Motion extending the time to respond to January 16, 2023. [DE No. 47].

7. Defendant Rowe requests an extension of time to align its response date with that of the above-referenced defendants.

8. This Motion is made in good faith and not for the purpose of delay.

9. Defendant Rowe's counsel has conferred with Plaintiffs' counsel, and Plaintiffs' counsel consents to the requested extension.

WHEREFORE, Defendant Rowe prays the Court enter an order extending the time in which Defendant Rowe may file an answer or responsive pleading to the First Amended Complaint, through and including January 16, 2024.

Respectfully submitted this the 5<sup>th</sup> day of December, 2023.

WAKE COUNTY ATTORNEY'S OFFICE

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*Willie Rowe*

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*Attorney for Defendant Wake County Sheriff*

*Willie Rowe*

## **CERTIFICATE OF SERVICE**

I, the undersigned attorney for defendant WILLIE R. ROWE, in his official capacity as the Sheriff of Wake County, WAKE COUNTY, NORTH CAROLINA, hereby certifies that on the day indicated below the foregoing and attached **DEFENDANT WAKE COUNTY SHERIFF WILLIE ROWE'S CONSENT MOTION FOR EXTENSION OF TIME TO RESPOND TO FIRST AMENDED COMPLAINT** was electronically filed with the Clerk of Court using the CM/ECF filing system and served via electronic transmission through the Court's CM/ECF system in accordance with Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure and applicable local rules upon the CM/ECF participants:

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This the 5<sup>th</sup> day of December, 2023.

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